

July 16, 2001

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**Department of Natural Resources Board of Directors**  
**PO Box 47014**  
**Olympia, WA 98504-7014**

**Dear Directors;**

**The purpose of this letter is to voice my concerns regarding the "Powerhouse" gravel pit project.**

**I have attended the meetings and read the SEPA reports and I must say that I am very unimpressed with the way that your department has handled this entire matter. If had not been for the Tulalip tribe and the Snohomish County PUD I feel that we would never had the opportunity to have a say in what will effect our property value and way of life for the next 20 years.**

**I am a 51 year resident of the Sultan area and my wife is a 73 year resident and we are both concerned what this project will do to not only our quality of life but also our 8 children and our grandchildren.**

**There are several issues that the people (taxpayers) of Sultan are concerned about. One of which is the increased truck traffic on Highway #2 and the Sultan Basin Road. I challenge all of you to come up and see this road. Arial views and maps to not tell the true story.**

**How will we get our kids safely to school? School buses travel this road most of the day. If the road stays in its current condition it is only a matter of time before we have a horrific bus/truck accident.**

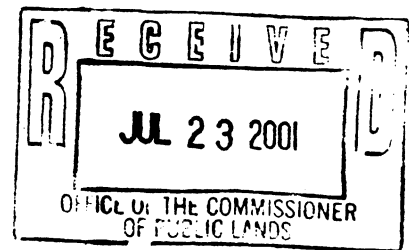
**What kind of impact would the rock basting have on the 500psi pipe that feeds the "Powerhouse? What impact would all that blasting have on the dam? What about the 70-degree slopes that may or may not fall into the Sultan River? What about the trout, salmon, eagles and most recently we've heard of a spotted owl in our area? Do all of these things matter? Or are we here just to make the gravel company happy? According to your SEPA report all of these very important questions will be answered in the "Phase II process". In other words "its not our**

**(DNR) problem". Well I am afraid it is our (the people of Sultan's) problem.**

**We have heard the horror stories from the people of Monroe whose wells were damaged because Cadman hit an aquifer. The people in Granite Falls who live with the blasting noises and truck traffic. Have you?**

**The community of Sultan and its neighbors will have to live with your decision for the next 20 years. We hope that you will make the right one.**

**Thank you,**



7/17/2001

Dear Mr. Sutherland,

First off I would like to say it was a pleasure to have had a chance to meet you and voice my concerns concerning the Power House Mineral Lease (Project #32-072628). As I mentioned to you I have had the privilege to live and work in this community for over 20 years. My wife's family have lived here for over 4 generations and I it is my hope that my children's children will be raised in this nurturing environment. This community and the surrounding vistas are a rare treasure in these complex times. Being an artist I am very much in tune with the surrounding splendor the area offers. This project, estimated to last 17 to 20 years will threaten our rivers, generate high levels of noise and dust and unleash hundreds of lethal loaded trucks on to our highways 12 hours a day, 6 days a week. It will have a devastating impact on our way of life.

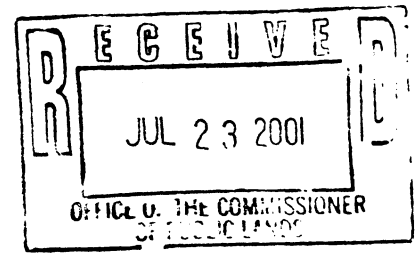
I was encouraged to read your opinion in The Monroe Monitor on the 4th of July. It is tempting to believe with the amount of money at stake and the pressure that you must be experiencing from special interest groups that would profit from this pit, that the voice the individual and of this community would have little consequence. But I take you to be an honorable man and the words you speak to be sincere. This subject strikes to the heart of the principles and the duties of our elected officials and the process in place to protect the interests of our citizens. I URGE you to reconsider the implementation of this project.

I will continue to write our Governor and Representatives and encourage others to do the same. Please included me in any mailings (electronic and otherwise) concerning this pressing issue. I look forward to the chance to meet you again under less distressing circumstances.

Please Include this letter in the pubic record.

Thank you again for you time and consideration.

Sincerely,



July 17, 2001

Department of Natural Resources  
1111 Washington Street  
P.O. Box 47014  
Olympia, WA 98504-7014  
Attn. Mr. Doug Sutherland, Washington State Land Commissioner

Re: Sultan Powerhouse Gravel Sale

Dear Mr. Sutherland,

While the fact remains undeniable to anyone who has spent actual, physical time in the area that is currently under consideration for auction, I will attempt to enumerate some of the many concerns that the DNR seems bent on ignoring. The word "seems" is a deliberate choice as, to date, the DNR has operated with apparent intent to diffuse and obfuscate this issue. The most recent example of this was the "Open House" hosted by the DNR that was organized to limit citizen's ability to hear the concerns of their neighbors, and was staffed largely by DNR employees who knew next to nothing about this site, or this type of project. The only remedy offered by the DNR was to distribute comments to the attendees. Neither attendees, nor those on the "interested parties" list have received this information. In fact, residents have had to file for public disclosure in order to receive a copy of their own comments. This is one instance out of many over the preceding months, but it is demonstrative of what is perceived as a position of arrogance that the DNR functions from.

As this will lead to quite a lengthy enumeration of concerns, please allow me the latitude of foregoing prose and resorting to a more efficient outline format.

All of the following topics must be addressed thoroughly during the preliminary phases of the SEPA (State Environmental Protection Act) and DNS (Determination of Non-Significance) processes, and in some instances through a new EIS (Environmental Impact Statement) process.

**Proximity:**

Sight visits reveal that this is not an isolated location. The entire west, east and south sides of the project are inhabited, and projected ingress/egress would be entirely to the south.

Noise pollution (grinding and blasting) will disrupt and dust will aggravate allergies and asthma (already on the rise in children).

- Schools (all grades) are within a couple hundred yards of this sight.
- One pre-K/Elementary school exists on the sole road of ingress/egress.
- School buses traverse the road of ingress/egress 4-6 times daily.
- Churches, residences, recreational green spaces and community centers line the entire route of ingress/egress.
- Livestock (cattle, horses, emus, llamas, sheep, pigs, chickens, exotic fowl, etc.) are raised in abundance on neighboring properties.
- Year round private campground/resort abuts the property, and sits in line of sight of the proposed blasting area.

**Ecology & Topography:****Streams**

- Property is criss-crossed by two Type 3 streams, which are protected by law as Bull Trout Habitat (endangered). This area of streams and rivers serve as feeding grounds for local Bald Eagle populations.
- Sultan River abuts this site, at the bottom of a 70% grade and is home to Bull Trout, Chinook salmon and other anadromous salmonids (fragile and protected ecosystem).

**Wetlands**

- As part of the watershed for Sultan, and being in close proximity to the watershed of Everett/Snohomish County, it is littered with parcels of wetland. These wetlands are an integral part of this ecosystem, which serves to maintain and purify our water supply.

**Topography and soil conditions**

- The ridge that is proposed for mining is criss-crossed by streams, as well as filled with natural springs. This high water content makes the Site highly susceptible to washouts or cave-ins. The narrow band of land that would be used as a buffer for the Sultan River is a bluff with a 70% grade, and could easily collapse compromising the hillside above the Sultan River, and the Jackson Powerhouse. An accidental aquifer rupture, such as was seen recently in Monroe, WA would potentially wash out large portions of the steep embankment destroying the river ecosystem below. A collapse would be potentially devastating to the Jackson Powerhouse (by limiting access, or by physical damage to the plant or water inlet/outlet), which supplies 10% of Snohomish County's power needs. It would deplete the aquifers that are relied on by residents. This would devastate not only the Sultan River, but also the Skykomish River (and some of the most frequented fly fishing area in the state) just a few hundred feet downstream.

**Current Uses:**

Credible acknowledgment of the existing land uses has not been made. Alternatives have not been proposed/provided.

- Auction of this land will bar any entry by the public, who are in fact the landowners. Current landowners use this property for walking, running, bicycling, horseback riding, school field trips, and the long paved straight section of road serves as one of the only safe practice grounds for countless bicycle (etc.) lessons.

- Snohomish County has one of the highest rates of horse ownership/ridership per capita in the entire nation - and no designated public space in which to ride. These riders heavily use this space.

**Aquifers & Water Supply:**

Protection of potable drinking water supplies, as well as water for rivers and streams have not been addressed.

- Heavy machinery is projected to come to within 5 feet of the aquifers. This scant margin is undetectable from the cab of heavy machinery by all but the most skilled operators, as was recently demonstrated in Monroe, WA.

- Blasting in the near vicinity is likely to destabilize ground that is laced with streams and springs, either collapsing portions of the aquifer or creating profound turbidity in neighboring drinking water supplies.

- Processing gravel demand tremendous volumes of water to wash and separate the rock.

- Water is not available from the City of Sultan, or the Everett Watershed. If pulled from the aquifer, the volume of water needed would deplete existing wells and/or create unhealthy levels of turbidity.

- Some local landowners hold senior water rights

- Water used in gravel processing is heavy with silt and rock dust that is washed from the gravel. This silt will inevitably filter through the remaining five feet left in tact above the aquifer. Settling ponds will conceivably limit erosion, but will only serve to concentrate the location of the silt fallout. This will lead to un-potable drinking water for surrounding residents and livestock.

- Silt will leach through the soil and find its way into the drinking water and also the rivers – polluting the salmon habitat, just as any other ground contamination.

- The City of Sultan's sole water supply pipeline is bisected by this project.

- The water supply originates in a spring fed lake and is susceptible to irreparable damage from blasting, aquifer rupture or slides that can permanently alter terrain and water flow in an ecosystem.

- Blasting, silt settle-out, and excessive dust threatens the potable nature of the water with turbidity.

- Jackson Powerhouse water supply flows through a four-mile long tunnel bored through Blue Mountain and then through a four-mile long buried pipeline. This infrastructure is subject to potential damage from blasting vibrations and

landslides. This powerhouse supplies 10% of the power needs of Snohomish County, and is involved in maintaining adequate water flows in the Sultan and Skykomish rivers to protect salmon habitat.

**Roads (to be used for roughly 600 trips per day - calculated using DNR figures):**

Roads are absolutely unsuitable, requiring travel on up to three miles of residential roads to access state highways. There is no safe, direct or reasonable manner of ingress/egress to a major thoroughfare (such as the access that the Monroe-Cadman site has to SR203).

**116th St.**

- Sole point of ingress/egress – two-lane, undivided, residential country road.
- Gravel and Oil Comp. road - highly susceptible to destruction, especially by truck tires healing over in turns
- Residential properties line the road, north and south. Houses sit within 30 feet of the road.
- Established, pre-existing, State licensed Pre-K/Elementary School
- School bus stops and turn arounds
- Garbage collection on both sides of the street
- Mailboxes, served by rural postal carriers, line both sides of the street
- Sole access road to the Jackson Powerhouse project.

**Sultan-Basin Road**

- Direct path of ingress/egress -two mile to highway – two-lane, rural and residential, county and city road
- Gravel and Oil Comp. road - highly susceptible to destruction, especially by truck tires healing over in turns
- Un-navigable steep grade (>6%) for truck travel, especially in light of frequent stops due to:
  - Residential properties line the road, east and west. Houses sit within 20 feet of the road.
  - School bus stops and turn arounds
  - Garbage collection on both sides of the street
  - Mailboxes, served by rural postal carriers, line both sides of the street
- No shoulders or turn lanes exist on the upper 3/4 of the road
  - Existing services (garbage, mail, etc. block roadway to provide service)
  - Expansion of the road would require expanding land bridges over streams
  - Expansion would entail the relocation of utility poles and other existing services
- No safety turnouts on grades that exceed 6%
- Road exists as primary access to Spada Lake Recreation area, a recreation area created within the last decade at a cost of \$2million
- highly used for camping, hiking, bicycling, fishing, etc.

- Road is frequented by adult cyclist, child cyclists, pedestrians, horseback riders and local wildlife.
- Road is prone to snow accumulation and heavy icing, as indicated by signage along the road. The city section of the road is not plowed or sanded during the winter months.

#### State Route 2

- Primarily a two-lane highway from Monroe eastward.
- One of only two year round east/west corridors over the Cascades Mountains.
  - Subject to *miles* long backups at current use levels.
- Turn lanes do not exist, except within the cities downtown areas (one short turn lane at SR2 and Fern Bluff due to numerous fatalities)
- No turn lane exists to cross westbound traffic and access Sultan Basin Road
  - Turn lane would require expansion of the existing bridge over Wagley Creek, a protected stream, estimated to cost \$5 million.
- Shoulders are largely non-existent, and turnouts infrequent
  - Roadway is raised with steep hills and drop offs at most points
- DOT has stated that SR2, east of Monroe, is not on their 20-year planning or budget radar for renovation/improvement.
- SR2 adjoins SR522, which already suffers from miles long backups due to its two lane nature, the two lane bridge which crosses the Skykomish River, and two traffic lights
- Highway 2 serves as the primary lifeline for Stevens Pass, Winthrop, Leavenworth, Lake Chelan and numerous other cities that have grown their economies through tourism.
- SR2 is deemed such an unsafe road that legislators in WA. D.C. formed the Highway 2 Safety Coalition to address existing problems

#### **Financial Implications:**

No one has address the net impact of this proposal on the state.

- Anticipated Gross Revenue to the DNR - \$2 million annually for 20 years
  - No mention of an adjustment for inflation - presumably by year 20 the \$2 million will be worth a fraction of today's value
- Nowhere is the cost of road preparation addressed
  - Road preparation by the DOT removes a large part of this revenue from the overall state balance sheet
- Nowhere is the cost of road maintenance addressed
  - For example - Studded tires are estimated to do \$9 million/year damage to our state roads. No one at the DNR will respond to the wear and tear caused by 600+ per day truck trips.
  - The costs projected for the DOT, as a direct result of this proposal, must be weight against the revenue anticipated



### **Cross purposes with stated State objectives:**

This proposal flies in the face of numerous stated and generally understood objectives of Washington State government.

- State is pushing for Urban Density, not Urban Sprawl, through UGA's and GMA's
  - Gravel is anticipated to sell for roughly \$0.60/ton
  - Artificially subsidizing gravel exacerbates sprawl by making new building cheaper
    - Subsidizing gravel discourages renovation and building recycling
    - Encouraging sprawl further strains the DOT and our roadways through additional wear and tear, and increase demand for new roads.
- State is struggling with budget issues, where reduced revenues are colliding with demands for services.
  - The Governor advocated, and the legislature just passed a \$0.09/gallon gas tax to address transportation issues.
    - Monies realized are expected to be used for DOT and roads - roads that the DNR will be culpable in the destruction of.
    - This proposal leaves the DNR with a fat balance sheet, at the expense of the other state agencies (DOT specifically)
    - The state is a Net Loser
  - DNR is proposing an auction in which it will realize \$0.60/ton of gravel.
    - The DOT will have to purchase gravel to build and maintain the infrastructure needed to support this project
- Federal, State and County governments are working to tighten environmental laws
  - The recent Granite Falls Gravel sale was projected to satisfy the gravel needs of the region for decades
  - This sale will either flood the market with cheap gravel (see argument on urban sprawl), or is not intended to go on line for quite some time, but is seeking grandfather status which undermines the intent of the elected lawmakers

As I stated initially, all of these topics must be addressed thoroughly during the SEPA and DNS phases of this process. To date the most common comment that I have heard from the DNR is that "(insert subject here) will be addressed during the permitting process". That is not acceptable. WAC 197-11-055, regarding the timing of the SEPA process, directs to, "seek to resolve potential problems...at the earliest possible point in the planning and decision making process, when the principal features of a proposal and its environmental impacts can be reasonably identified". The DNR's job has been done up to this point for them. The community has identified "potential problems", "features" & "environmental impacts" for the DNR. Mr. Sutherland, you are obligated by both the letter and spirit of the law to direct your staff to address these issues. You must determine the benefit of selling an asset, as well as the cost of selling an asset, before you can do so responsibly. If this project cannot withstand the light of day then it is by

definition a bad project and cannot be protected because an individual or individuals have a vested interest in it.

In the earlier EIS, SEPA and DNS processes many concerns were wholly ignored, dismissed or put off for the county to wrestle with. The public was broadly skirted on this proposal, and continues to be stonewalled, or patronized. This has left all of the DNR's actions clouded by suspicion. A transition in leadership affords any organization an opportunity to remake itself. You have the unique opportunity, today, to be a catalyst for change in government – a catalyst to for improvement. Only in speaking to issues in a thorough and forthright manner, in your role as steward, can this sale be even considered.

I will look for a response from you.

Regards,

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JUN 26 2001

BUSINESS SYSTEMS SUPPORT DIVISION

Bob Suda  
Business System Support Division  
1111 Washington Street  
P.O. Box 47014  
Olympia, WA 98504-7014

Subject: Environmental Checklist (draft) dated June 14, 2001  
"Powerhouse Sand, Gravel and Rock Sale"

Dear Mr. Suda,

We feel there are a few omissions in the draft to the Environmental Checklist, dated June 14th, 2001 that we would like to bring to your attention. Lake Bronson Associates Inc., own and operate a year round R.V. Park & Camp Ground on 320 acres north of and adjacent to the proposed "Powerhouse" site. As a recreational business, we are dependent on our main attraction, the 7 and one half acre lake (Lake Bronson). Lake Bronson is spring feed. We also have two wells with 107 total connections. Our main concern is of course the Aquifer, although we are also concerned about noise & pollutants. We request that you add our business to the considerations in the Environmental Checklist.

**Water:** Surface: page #7.

add "The proposed hard rock site is with in 3/4 miles from a recreational lake and well system".

**Land and Shoreline Use:** a) What is the current use of the site and adjacent properties?  
page #13

add "To the north of the site, Lake Bronson Park, a year round recreational R.V. Park and Camp Ground with four year round residence (Staff), and approximately 300 transient members".

**Aesthetics:** b) What views in the immediate vicinity would be altered or obstructed? page #15.

add "Lake Bronson R.V. Park, is in direct line of site to the north of the west side of Haywire Ridge".

**Aesthetics:** c) Proposed measures to reduce or control aesthetics, if any. page #15.

The proposed vegetation buffers will in no way obstruct our view, unless they are 100 to 200 feet tall! Check your maps elevation lines!

(2)

**Recreation:** a) What designated and informal recreation opportunities are in the immediate vicinity? page # 16.

**add** "R.V. Park, Camping, Swimming and Boating.

**Recreation:** b) Would the proposed project displace any existing recreational uses? If so, describe. page #16.

**add** "Yes, permanently. If the aquifer is permanently damaged, the Lake Bronson Park would be placed out of business!

We would appreciate your acknowledgment and response to this letter either by phone, mail or E-mail. Thank you for your time.

Sincerely,

-June 21, 2001

The Sultan Powerhouse Sand and Gravel Project is, in my opinion as an economist, a poorly planned, environmentally destructive, socially damaging and fiscally irresponsible project.

It is my understanding, from the information provided by the DNR, that the proposed Sultan Powerhouse Sand and Gravel Project is expected to generate \$40 million dollars gross revenue, over the life of the 20 year project, for the DNR, and subsequently the State of Washington. This is gross revenue, not net profit...gross as in prior to any administrative, operating or oversight expenses. Also, these funds are spread over 20 years, and not adjusted to reflect the effects of inflation over the life of the project. However, for the sake of argument, even though it's not true, we'll say the state stands to realize a full \$40 million.

Now lets take a look at that revenue. \$40 million divided by twenty years is a mere \$2 million per year – Gross. It is widely reported that studded tires do an estimated \$9 million dollars damage to our states road, per year. How much damage do fully loaded, double-trailer gravel trucks do? I have not found any statistics on the issue, but the empirical evidence abounds. Snohomish County repaved the Sultan Basin Road within the last year. There is one section on the lower 2 mile stretch that is already rutted and littered with debris – it is at the intersection of 124<sup>th</sup> and the Basin, where a very small private, 2 acre, gravel pit occasionally hauls out rock – spilling oil and gravel on the corner and grinding their tires into the pavement as their fully loaded trucks round the bend. This is in less than one year, and less than 5 trucks a week. You are proposing 350-500 trucks per day. What will that damage cost us in taxpayer DOT funds, in time lost on poor roads, and in damage to cars by the overloaded trucks of unaccountable gravel companies? These costs alone are astronomically higher than the \$2 million/year that the DNR hopes to GROSS. And remember, that \$2million/year will not be realized after administrative costs which remove 22% off of the top, and the expected \$5.2 million that are anticipated in road improvements that would have to come just to get the SR2/Sultan Basin intersection ready to start the project. This proposal is fiscally shortsighted and irresponsible.

The only way that the expense generated by the damage done by hundreds of trucks per day can be justified is if you are solely concerned with the bottom line of the DNR, and not the state in general. This proposal will be another blow to the budget of the DOT, hurt tourism in Eastern Washington, increase costs to local emergency service with increased accidents, devaluation of personal property, irreparable damage to the environment, and so on, and so on. It is fiscally irresponsible to use taxpayer money, my money, to better the bottom line of the DNR at the expense of the State, its multiple agencies and the residents. It is simply bad business to bankrupt the company to make one division look better on paper – it is tantamount to cooking the books. It is fiscally shortsighted and irresponsible.

Recently, Gov. Locke proposed an increase in the gas tax to begin the process of fixing our states roads. Why then is the DNR acting recklessly and creating circumstances that will necessarily create more road damage and congestion. Voters have strongly voiced the need to improve the roads in our state – prioritized it as high as education sometimes. Yet the DNR is not thoughtfully considering the consequences of this action, leaning instead toward the immediate gratification of the sale. Well, I ask you, why should the DNR care what the cost to the DOT is? Why not just let the Governor claim no contest and raise gas taxes. After all, the politicians can always blame I-695? Who will know that the DNR is creating some of the problems? Electing this path would be both disingenuous and dishonest. It is fiscally shortsighted and irresponsible.

On another front, there has long been a call for revitalizing the Seattle core – for creating urban density – for decreasing urban sprawl. Yet, one of the DNR defenses of this project is the high demand for gravel for buildings and roads. Should the DNR be holding a fire sale on gravel, at \$0.60/ton, to out of state and international companies, if the state wants to discourage sprawl? Giving away the public resources at a fraction of their value, while adding to existing traffic and road problems, subsidizes the very conditions that the State is trying to curtail. It is fiscally shortsighted and irresponsible.

I don't have hard numbers in hand – with a family and a full time job there is no time to retrieve them. But I can tell you with certainty that this plan is full of fiscal irresponsibility, shortsighted politics, corporate welfare, lousy inter-departmental communication (or perhaps total interdepartmental disregard), and disregard for the good of many communities all along Highway 2. One thing that I expect from our government, is an understanding of, and pursuit of, fiscal discipline. This project has been inherited from a previous administration. Will the DNR exercise that discipline on this inheritance? Or will the DNR acquiesce to the stereotypes of institutional blindness and financial shortsightedness that the government is so often accused of? The test of a mans metal, or a companies well-being, or a governments strength, is not what they do during an audit, or election year, rather how they run their day to day. How will the DNR run its' day to day? What kind of people and government will you be, and would you have us be? Ones focused on egos, the quick buck and immediate gratification, or a disciplined body with foresight, fiscal prudence and good judgment? The Sultan Powerhouse Sand and Gravel Project is fiscally shortsighted and irresponsible.

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JUL 23 2001

ATTORNEY GENERAL'S OFFICE MB  
NATURAL RESOURCES DIVISION

July 16, 2001

COPY

Land Commissioner Douglas Sutherland, Chair  
Department of Natural Resources Board of Directors  
P. O. Box 47001  
1111 Washington Boulevard  
Olympia, WA 98504-7001

Dear Mr. Sutherland:

We appreciate your effort in authoring a recent editorial opinion to the *Monroe Monitor*, titled, "We want to hear all sides about Sultan gravel site issue," and would appreciate the opportunity to respond. We would also ask that DNR accept this letter as a partial response to the draft SEPA issued June 21, 2001.

At the outset, we disagree that there are "sides" to this issue. There is only one "side." It is a one-dimensional issue: *efficient and cost-effective permitting, extraction and transportation of raw materials from the Powerhouse Site*. Intelligent contemplation of that objective will lead a reasonable person to conclude that, even if one makes the brave assumption that permitting of this troubled project can be accomplished with a minimum of legal entanglements, both the geographic and demographic constraints of this location will significantly increase the costs. After reviewing the material from the Granite Falls' EIS process, we think the cost of production for the Powerhouse site would be considerably higher than the estimated Granite Falls' or Hamma Hamma price of \$2.75/ton to \$3.00/ton, and considerably larger than Granite Falls' loading and hauling costs of \$2.80/ton because of the difficulties inherent in transporting the product from its "land-locked" location.<sup>1</sup>

Mr. Sutherland, you have stated your desire to develop a positive working relationship with the Sultan Basin/Sky Valley communities. Both you as Land Commissioner, and the Department of Natural Resources as a public trust agency can begin that process by correcting the impression we have already received of your agency, which is an unfortunate pattern of obfuscation and misrepresentation dating back to July of 2000.

We do not wish to offend either you or your agency. But we have only DNR's past performance by which to base our opinion of your future intentions. To support our position of mistrust, below is an historic timeline of DNR's actions which have engendered this mindset, and a discussion of the WACs DNR has used to justify a less-than-candid SEPA review process:

#### HISTORY OF DECEPTION

While you may believe our current impression of distrust to be unreasonable, you should understand that the only basis we have had to form this conviction is a brief yet consistent experience with DNR:

- **July 27, 2000:** A notice sent from DNR announcing a "**scoping**" meeting to "help identify opportunities and issues to address" in the "Upper Sultan Basin Natural Resource Conservation

<sup>1</sup> Prices given are in 1998 dollars, and are quoted from the Granite Falls' FSEIS document.

Area." (We are venturing an educated guess that 95% of the people in the Sultan area, or anywhere in the country, for that matter, have no idea what "scoping" means relative to the land use and planning arena, even if they had received a notice in a timely manner.) The notice was sent late by DNR. It was posted by the city posthumously.

This was a casual and breezy open house. There was no information on the possibility of gravel or mineral extraction occurring in the region. Only five Sultan residents attended, and only because they were already on the DNR's mailing list and had received the notice via mail. One of these five residents overheard a discussion between an attendee and a member of the DNR staff relative to the possibility of a gravel operation coming to the area. Although the staff person was questioned closely by this attendee (who had apparently heard some rumor about this eventuality), the DNR staff person (name unknown) replied repeatedly that there was no such operation planned.

This event was supposed to have fulfilled DNR's first fiduciary notice to stakeholders required by law. Although recommendations by DNR staff (specifically Nancy Joseph) that this first public notice of the impending action be communicated to the public as early and broadly as possible, DNR's middle or upper management seemed to have taken special pains to hide this first, most important, legal notification.<sup>2</sup>

- **November 16, 2000:** DNR issues a flawed and inadequate MDNS (Mitigated Determination of Non-significance) which is devoid of any validity or substance. Once again, "stakeholders"; i.e., adjoining property owners, were not notified, indeed, conspicuously and selectively excluded (one DNR official remarked that he had posted a notice on a road that does not exist). Additionally, the distribution of this document for comment by jurisdictional agencies was also incomplete and deficient. Put politely, the MDNS was a masterful "mitigation" of the potential impacts and difficulties inherent in this project.
- **December 2000 / January 2001:** Public outcry at the news of the proposed gravel operation, and the defective MDNS, are glossed over by a bland stonewalling response from DNR which was the philosophical equivalent of a soothing and comforting pat on the head. These responses had the opposite effect, as residents found them to be condescending and insulting.
- **January 27, 2001:** During a public meeting attended by 300 residents of Sultan and other Sky Valley communities, DNR's personnel from the Northwest office (Bill Wallace and Greg Ariss) misrepresent and equivocate to the point of prevarication relative to impacts that may occur from the Powerhouse Site.
- **February, 2001:** City of Sultan Resolution 02-01 issued by the city council which stated, in part: *"...that in the absence of a complete withdrawal of this proposal, **we demand that the project be remanded back to the initial phase and that the process begin anew** to insure that accurate information can be included in the documentation that is required to be presented to any interested purchasers of the rights to harvest these resources should this sale proceed."*
- **May 25, 2001:** Despite City Resolution #02-01, DNR requested and was granted a meeting by Sultan's pro-gravel mayor (we assume at DNR's request). This highly-irregular and entirely inappropriate "official" city visit by DNR was attended by yourself and Patty Henson from the Olympia office, and Bill Wallace and Greg Ariss from DNR's Northwest office. Adding to the irregularity of this meeting was the suspiciously-chosen date and time: late afternoon on the Friday before a three-day holiday, without the public's knowledge. An announcement during that meeting advised the city that DNR would sponsor an open house to "address citizen concerns."

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<sup>2</sup> See Robert Suda-authored, Powerhouse DNR Decision/Action Summary Report dated 8/21/00, "Initial stakeholder contact has been coordinated with the Public Interaction Plan for the Upper Sultan Basin NRCA and Sultan Basin Landscape Planning."



- **June 12, 2001:** A letter from you to Sultan residents inviting us to a "workshop-open house," the format of which was designed to sequester residents' input and effectively segregate our combined voice, while giving complete control to DNR of the information or comments which were received. This letter was worded so carefully, even the best and brightest of our leaders were confounded as to its precise meaning and intent.

The letter stated that you are "reaching out to the Sultan community to listen to *alternatives*" when in fact, that is what residents require of DNR: *Alternatives*. It is not the responsibility of the people you serve to point out to DNR already-well-known or well-documented impacts from this type of operation, and to provide alternatives.

One rationale for public review by local communities is to obtain data or facts known or observed by local inhabitants in, or affected by the area under review which they may possibly know or the agency either doesn't know or of which it could not yet be aware. And this is what many of us tried to do during the open house, difficult as it was given the superficial knowledge level displayed by many DNR staff members.

- **June 20, 2001:** Bill Wallace and Patty Henson presented revenue figures to the City of Sultan Mayor and Council, indicating certain direct revenue shares from the proposed gravel operation which appear suspect, then subsequently prove to be false.

- **June 21, 2001:**

- **Draft Environmental Checklist is Issued**

This draft is, if anything, even more offensive to the people of Sultan than the 11/16/00 MDNS, since the draft was meant to *correct the inadequacies* of the first one. While certain critical environmental subjects are expanded upon with additional and strategically-placed verbiage, the *content* of the draft itself continues to address issues of significant concern in a superficial and insubstantial way. Critical areas such as ESA, water supply problems and transportation-related issues are not addressed.

An example is the manner in which the impacts to State Route 2 are handled. SR 2, a U.S. Scenic Highway, was rated as a *significant and unavoidable adverse impact* in 1998 when an extensive traffic study was performed by James MacIsaac for Sultan as Alternative #3 during the Granite Falls' EIS. However, the response given in Item 14.d. of this checklist in which Highway 2 issues were supposed to be addressed, simply states that,

***"Any proposed operation could add as much as 4 percent" to the already-existing 30% truck traffic volume on that highway.***

The language contained in the statement **taken in its entirety** is vague and confusing. Several attempts to gain clarification of this statement by DNR's Bob Suda, who authored the checklist, were met with stonewalling and continued assertions that "that is what the Washington State Department of Transportation gave me." Mr. Suda had access to precise and detailed studies on this subject, yet studiously ignored them.

If we assume the 4% increase quoted by Mr. Suda represents the percentage increase over current truck traffic volumes (as opposed to ADT volume of 25,000), that means that 300 additional trucks per day will be generated by the gravel operations. This directly contradicts simple mathematics, if one uses DNR's own estimates as presented to the DNR Board of Directors for this project during its December 5, 2000 Board Meeting. Gravel estimate yields given by DNR's BSSD's staff quoted 66-70 million tons of gravel over a 17-year period (which does not even include the 2-4 million tons of hard rock extraction), for a total revenue of \$38 million. Anyone with a calculator can do the math; In a five-day work week, this volume represents 553 one-way trucks<sup>3</sup> per day; or in a 6-day work week, approximately 461 one-way trucks per day.

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<sup>3</sup> Based on volume of 66 million tons hauled by combined truck & pup rigs with maximum tare weight of 18 tons (36,000 lbs.)

### Other Impacts Ignored

Other problematic components of this project were also selectively ignored; ESA issues, critical slope issues for the Sultan River bluffs (70% slope) located directly adjacent to and above PUD's Jackson Hydro power plant, and dangers to Sultan's water supply, both private and public, again, were not addressed in this MDNS:

- Countless private wells are located downhill from the proposed site.
- The pipeline for the City of Sultan's main water supply runs directly through the gravel extraction area.
- The presence of Bull Trout and Chinook Salmon in The Sultan River (a Type I stream) is documented, and two Type 3 streams (Winters Creek and Cascade Creek) are both documented as endangered Bull Trout habitat.<sup>4</sup> These water bodies are also documented as habitat for various other anadromous salmonids, which by definition does render the site a migration route, yet another omission found within the environmental checklist.
- Item A.10. of the checklist which lists permits required by the successful bidder indicates an exclusion under the current HCP permit in a recorded ESA area.
- **"Open House" in Sultan** - Residents angry about past abuses at the hands of DNR enter to be greeted by the smiling and welcoming faces of DNR personnel offering plates of fruit and cheese, ice cold drinks and friendly but firm and hardy handshakes. But despite this gossamer front of cooperation and friendliness, DNR's act remains the same: Stonewalling, obfuscation and the avoidance of any direct reply to a substantive and straightforward question.

Moreover, the topic categories at each "listening station" were carefully chosen so as to make it difficult for residents to "focus" on a particular topic, like ESA issues or traffic impacts. As an example, at the listening station titled "Transportation of Materials," neither DNR staff person was there to discuss traffic impacts. Both of them worked on forestry roads. Neither had ever heard of the 1998 James MacIsaac traffic study or could discuss transportation issues coherently. They referred us to Bob Suda. After a lengthy discussion of platitudes and DNR boilerplate with Mr. Suda, we went away scratching our heads wondering if he had even heard of DNR, much less the Highway he rode in on.

- **June 29, 2001:** As the result of a Public Information Request to DNR, we received the combined comments made by Sultan/Sky Valley residents during the June 21, 2001 OPEN HOUSE. Each page is titled, "Comments from 'Powerhouse' **Public Hearing**." Apparently DNR's continuing definition of an open house differs from that in general and widely accepted use. (Certain RCWs and WACs indicate that an open house can be considered an "informal" public meeting/hearing, but given DNR's recent track record with specificity, this makes us understandably nervous and suspect.)
- **July 5, 2001:** Your op-ed piece is published in the *Monroe Monitor*, wherein you state, "We will seriously and carefully consider all of the issues and their potential impacts on the proposed project and the community," and request a "positive working relationship that helps everyone."

Mr. Sutherland, what have either you or DNR done that would give us pause to reflect on, and possibly revise our perspective of your purpose based on yours and DNR's previous actions? Indeed, the extensive DNR file copies and studies we have collected indicate that DNR's sole and primary purpose was to relieve themselves of any time-consuming or extensive environmental review process by skating by with a cursory MDNS.

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<sup>4</sup> See Snohomish County Chinook and Bull Trout Distribution Maps; [rdm:/fish/BULL18-24aml;2Dec.1999](#) and [rdm:/fproj2fish/chin18-24.ami; version 2, Sept. 1999](#).

## DISCUSSION OF WACs USED TO JUSTIFY INADEQUATE SEPA REVIEW

We place great significance in the manner in which DNR has proceeded with its environmental review for this project.

To begin with, both the initial MDNS and this newly-drafted SEPA checklist are in stark conflict and contrast with the fundamental intent of the SEPA review process, as contained in WAC 197-11-055, as follows *[emphasis added]*:

"Timing of the SEPA process.

(1) Integrating SEPA and agency activities: The SEPA process shall be integrated with agency activities at the ***earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems....*** The lead agency shall prepare its threshold determination and environmental impact statement (EIS), if required, at the earliest possible point in the planning and decision-making process, ***when the principal features of a proposal and its environmental impacts can be reasonably identified.***"

Of prime importance is DNR's deliberate intent to extricate itself from the expensive turmoil that would result from a detailed analysis of the environmental dilemma intrinsic to this project. DNR personnel, specifically Bob Suda, worked closely with Snohomish County Planning and Development staff to purposely craft a means by which to sidestep addressing the obvious impacts from the Powerhouse Site proposal by selectively applying certain WACs in both the first MDNS and this newly-revised draft SEPA document, as noted below:

**"The proposed project is suitable for phased environmental review under 197-11-060 (5) and would be reviewed in two phases."**

"Section (5)...

(c) Phased review is appropriate when:

- (i) The sequence is from a nonproject document to a document of narrower scope such as a site specific analysis (see, for example, WAC 197-11-443); or
- (ii) The sequence is from an environmental document on a specific proposal at an early stage (such as need and site selection) to a subsequent environmental document at a later stage (such as sensitive design impacts).

(d) Phased review is not appropriate when:

- (i) The sequence is from a narrow project document to a broad policy document;
- (ii) It would merely divide a larger system into exempted fragments or avoid discussion of cumulative impacts; or
- (iii) It would segment and avoid present consideration of proposals and their impacts that are required to be evaluated in a single environmental document under WAC 197-11-060 (3)(b) or 197-11-305(1); however, the level of detail and type of environmental review may vary with the nature and timing of proposals and their component parts."

To address and refute the above section, we offer the following:

- WAC 197-11-443 presupposes that an EIS has been accomplished. This is not the case with this project.
- Item (5)(c)(ii), which we assume is the key clause being utilized by DNR to justify a two-part, or phased, review, is irrelevant. Neither the existing need or site selection is being considered or questioned for this project.

Indeed, it would appear that section (5) (d) (ii) and (iii) are more appropriate to this case; i.e., DNR is attempting to segregate well-documented and -known significant impacts by avoiding the serious consequences which would result from the project.

The second WAC that DNR uses to support their position of a phased review process (per statement in A.6. of Draft: "DNR is the lead agency in this initial phase of the environmental Review, per WAC 197-11-926") is also inappropriate, and we believe actually supports our position instead.

197-11-926 states....

*"Lead agency for governmental proposals.*

*(1) When an agency initiates a proposal, it is the lead agency for that proposal. If two or more agencies share in the implementation of a proposal, the agencies shall by agreement determine which agency will be the lead agency.*

*For the purposes of this section, a proposal by an agency does not include proposals to license private activity.*

*(2) Whenever possible, agency people carrying out SEPA procedures should be different from agency people making the proposal."*

Item (1) of WAC 197-11-926 falls short in two areas: (1) as justification as to why Snohomish County PDS and DNR should "share" lead agency status (DNR for the "first" phase and Snohomish County PDS for the "second" phase); and (2) it precludes licensing of private activity:

**1. This contradicts DNR's supposition that there are TWO Parts to the SAME Project:**

If DNR asserts that there are indeed two phases to this proposal, it logically follows and presupposes that both phases are part of the "same" project. If that is so, it contradicts DNR's oft-repeated mantra and justification in issuing an inadequate SEPA review that they are causing no ill effects or adverse impacts because there is not yet any actual "mining activity." They have continually stated they are merely reviewing a project that does not, in actual fact, yet exist. This claim is similar to a woman full-term and in the last stages of labor protesting that she will not give birth to a baby. One cannot have mining activity without a successful auction and sale.

**2. Proposal for Licensing Private Activity**

It is our assertion that that both the auction for the sale of gravel, and the eventual sale of the gravel itself by any future contract permittee, by any definition falls under the definition of licensing private activity, which is exempted by this WAC.

Item (2) of this WAC is unclear confusing and conflicting for the following reasons:

(a) if "agency people" refers to *two separate departments within a single agency*, there is clearly a conflict here since DNR is both issuing the SEPA document and approving it; and

(b) if "agency people" refers to individuals within two separate *government agencies*, it falls short because of the lack of clarity of the phrase, "carrying out SEPA procedures." Does that phrase refer to the ultimate permitting oversight and enforcement of possible infractions by the successful permittee, or does it refer to the procedures of the SEPA review process for the entire project?

Commissioner Sutherland, we could not agree more with the need to begin a meaningful future dialogue with the people of the Sky Valley. Beginning now. But you, as our land commissioner, and DNR as an agency, need to begin that open dialogue with honesty of intention and competence of content in your future dealings with our communities.

Because we believe that criticism without offering a constructive proposition(s) or suggestion(s) is disingenuous, we would like to offer the following recommendations:

1. Form a resident/citizen oversight group from Sultan and the Sky Valley communities to work side-by-side with DNR in finding solutions to current, and future problems.
2. Be forthright in admitting the logic that your auction will result in eventual mining activity.

3. Display DNR's sincerity in wishing to establish a "meaningful future dialogue" by canceling this inferior SEPA and begin a full-blown EIS.
4. Begin now, and continue forward in an honest and open dialogue with the residents of the Sky Valley.

Mr. Sutherland, we are not an unsophisticated and naïve community. It is true we are rural. Please do not confuse our rurality with naivete. The majority of us now living here have chosen to move here for that very reason: to find a better, unspoiled life in a rural environment.

Many of us have been aggressively attempting to preserve that rural way of life, despite local governmental-mandated expansion and the "river of growth" (SR 2) which has facilitated its arrival. Just as the Sky Valley rivers brought people into this valley for mining and timber at the turn of the century, so, too, the now-overburdened SR 2 highway is bringing a "concrete" economy to us. But the current majority of people living here have come not for economic enrichment, but for the type of enrichment that will nourish our families and souls. And that is why the news of your Powerhouse Project hit us...well, like a ton of gravel. And that news accomplished what nothing else would have: It has forged us into a strong, cohesive community of activists. DNR's actions have taken this community, which has been split apart by political, economic and demographic strife, and forged it into a solid Wall of Will.

We moved here because of the lifestyle. We will stay here for the natural beauty. And we will fight for it.

Sincerely,

cc: Members of the Board of Directors of the Department of Natural Resources  
Governor Gary Locke  
Members of the Washington State Legislature  
Government agencies  
Civic Activist organizations  
Chambers of commerce  
Ecological associations and organizations  
Media

My name is \_\_\_\_\_, and I am writing to you today to express my strong concerns and opposition of the proposed " powerhouse mineral lease" on the Sultan basin road, located in Sultan, Washington. (Project #32-072628) (Powerhouse sand and gravel operation and rock quarry plan.)

I share the believes of a large majority of the people in this community and surrounding areas, when I say I believe this whole plan to have been ill conceived from the beginning. We feel a gravel pit of this magnitude would have a grave impact on the already dangerous highway 2 and our rural but busy Sultan Basin Road. Anywhere from 150 to 700 or more gravel truck trips a day has been estimated to travel our country road for the next 17 to 20 years, and presently, without even the benefit of a traffic light, dumped onto highway 2. I cannot even conceive of adding 50 gravel trucks to these already over taxed and dangerous roads, especially when considering the rate in which families continue to move into our community! Our population is skyrocketing, including on the Sultan Basin Road. It is incredible to me that this plan was even proposed due to these facts alone.

However, this is not the only serious problem with this location. The land in question also skirts the PUD Jackson Powerhouse station which generates 430,000 Mwh's annually for the PUD and provides drinking and industrial water supply for over two-thirds of Snohomish County residents. Should we be willing to put such an important operation at risk, especially in these times of water and power shortages? It may also sacrifice our water tables affecting the wells we depend on as well as our wetlands and streams. The Sultan River is also adjacent to the 600 acres in question and is home to diverse wildlife, including the endangered fall Chinook salmon and bull trout. Why would we even consider a location such as this for a sand and gravel mining operation and rock quarry???

All these issues mentioned do not even begin to address the personal impact this project would have on the people who live here. Besides the grave safety concerns for the people traveling this road and highway (including our friends, family, and children just attempting to get back and forth safely to work and school each day), we would have to endure a severe change in life as we now know it. The affects on property values, streams, ponds, and wells; noise, dust, traffic, cracked windshields, loss of trees, and wildlife. The end of the quiet, peaceful life people came here for and stay here for.

Please, review this matter for yourself as soon as possible and help us to preserve this precious land. Thank you so much for your time and consideration.

Sincerely,

RECEIVED  
JUL 23 2001  
BUSINESS SYSTEMS SUPPORT DIVISION

RECEIVED

JUL 23 2001

7/20/2001

ATTORNEY GENERAL'S OFFICE

I am apposed to the Power House Mineral Lease. Please give more consideration to the following issues:

- 1) Transportation of materials extracted via Hi 2 poses such a threat to other users The prospect of injuries and/or lost lives is very real. Likewise, the use of 116th and the Sultan Basin Road raises safety concerns, to say nothing of the noise and incontinence to be endured by the local users.
- 2) The possibility of draining the aquifers is an unknown factor.
- 3) Property values will undoubtedly be deflated.
- 4) I doubt that the mining could be carried out without seriously compromising environmental rulings that deal with wetlands, endangered species and pollution.

I believe that the above factors weigh so heavily against mining the gravel as proposed that the plan should dropped or face major revisions.

Thank you for your consideration of these matters.

Sincerely,

**From:**  
**To:** WADNR.SMTP("bonnie.bunning")  
**Date:** 7/18/01 11:01AM  
**Subject:** Sultan Gravel Pit Issues

Dear Ms. Bunning,

I have been blessed to have lived in Sultan for over 20 years. I am writing on behalf of my extended family and friends residing in Sultan to plead with you to reconsider implementation of the Power House Gravel Pit Site (Project #32-072628) located on the Sultan Basin Road.

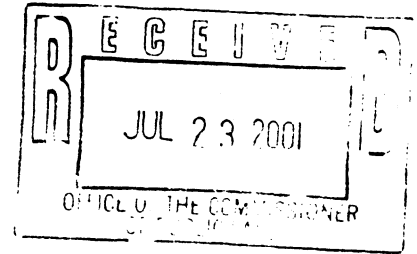
Aside from challenging a way of life many our families have worked and fought for over 4 generations, it poses a all too real threat to the delicate aquifers and endangered wild life in the area. What concerns me is the impact of the gravel trucks constant presence on our already over taxed roadways, the high levels of dust and noise and the impact on our already threatened wild life. The trucks will run right through the heart of a growing population base. The loss of a quality of life pales to the prospects of the loss of a child, a family member or a neighbor to these ever present trucks.

I realize the need for added revenues in these challenging times, but the costs of this project both in terms of the environment and the citizens of Sultan far exceed the revenues gained.

I appeal to your sense of community and family to examine this issue and carefully consider those many lives that will be impacted by this project for generations to come. It is my hope that this destructive project will end before it begins.

Thank you for you time and consideration on these matters,





## **Snohomish County Fire District #5**

P.O. Box 149  
304 Alder Street  
Sultan, WA 98294

Mr. Doug Sutherland  
Commissioner of Public Lands  
1111 Washington ST SE  
PO Box 47000  
Olympia, WA 98504-7000

Dear Mr. Sutherland:

On behalf of the Board of Commissioners of Snohomish County Fire District #5 thank you for seeking our input regarding the proposed Sultan Powerhouse Mineral Rights Sale. As you know this proposal is very unpopular with the residents of Sultan and the surrounding communities.

As a general rule it is the policy of the District to remain neutral on political issues until and unless the safety and well being of the District and the Citizens of the District are impacted. This proposed open pit mine would clearly have a deleterious impact on both.

The dangers have been well defined for you by the citizens of this community and representative organizations.

- Potential damage to the water table and the loss of large volumes of water to the mining process.
- Risks of mining and blasting near the Jackson Hydroelectric Dam and infrastructure.
- The addition of a thousand or more truck trips per day through intersections and along roadways well known to be overburdened by existing traffic.
- Environmental damage and loss of natural habitat in an area already pressed by growth.
- Air pollution and noise pollution from mining operations.
- Loss of a renewable resource and future revenue from the destruction of forestland.
- Diminishing property values, a loss not only to individuals but a loss of revenue to the District and other public service agencies.

July 20, 2001

The Sultan area is experiencing unprecedented growth. Even though we are happy to provide new opportunities for families to migrate to our District and community, growth brings related problems of infrastructure, services and environmental issues. To add the burden of an open pit mine to this community simply is not justifiable under the under the euphemism of the greater public good.

During the June 21<sup>st</sup> open house you and your staff assured attendees that all issues would be mitigated, that your interest lies with what is good for our community. Unfortunately this District and community are not as confident in the objectivity and sincerity of the Department of Natural Resources as we would hope to be. We think it likely the PUD heard similar disarming words, and yet it is clear that they feel misled by your organization.

At the public meeting in Sultan on January 27, 2001 information was presented by the DNR that indicated this District would receive revenue from the proposed mine. Fire Commissioner Steve Fox attended the meeting and advised the DNR representative that the District would not be a beneficiary of revenue from the site.

Following this public meeting but prior to the open house on June 21<sup>st</sup> Commissioner Mike Ingalls and I met at Fire Station 51 with representatives of the DNR and again advised them that the District would not be a beneficiary of revenue generated by the proposed mine. Still on June 21<sup>st</sup> at the open house hosted by the DNR for public comment, five months following Commissioner Fox's correction at the first public meeting, erroneous information was again provided to the public indicating that the Fire District would be a beneficiary of revenue from the proposed mine.

This misinformation distributed by the DNR (documents attached) may well have led our public to believe that we will receive substantial revenue as a result of this proposed mine. The reality is that we will likely suffer increased call load, diminished response times and a loss of revenue. We are concerned that this error will negatively impact our future levy needs and represents the proposed mine as benefiting the District when in fact the opposite is true. When information distributed by the proponents of such an unpopular proposal is found to be false it has the unfortunate result of appearing a propensity to overstate or misrepresent purported benefits and to diminish or disregard the dangers.

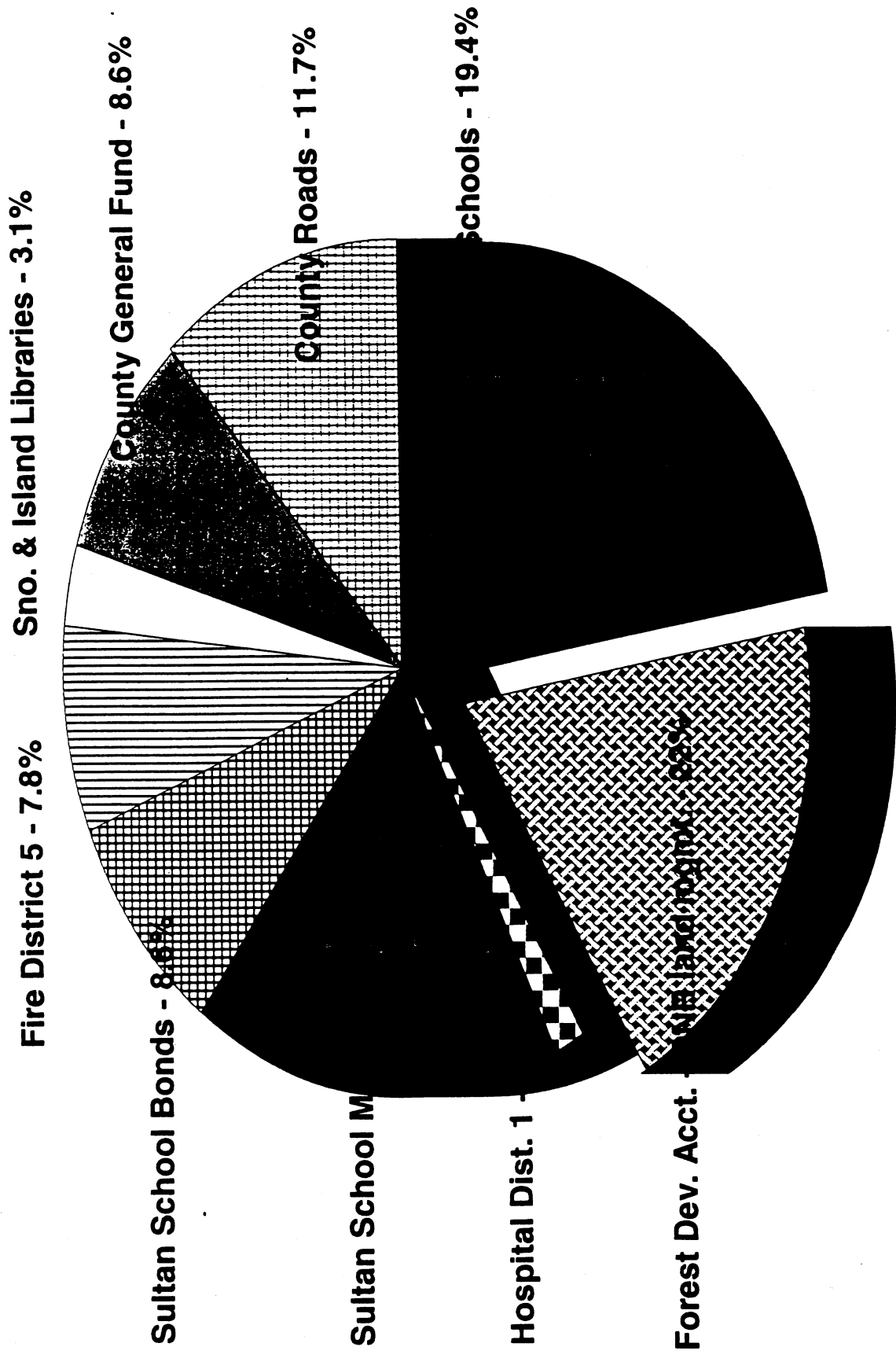
Ultimately revenue generated for public use will be needed to repair the damaged environment, roads and neighborhoods. For this community it will amount to little more than a widow's pension. It is clear that the Sultan Powerhouse Mineral Rights Sale is not in the best public interest and this District has no alternative but to oppose the proposed sale.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Halverson", written in a cursive style.

Merlin Halverson  
Fire Chief

# "Powerhouse" Revenue Distribution from State Forest Board Trust Lands



**RCW 76.12.030**

**Deed of county land to department -- Disposition of proceeds.**

If any land acquired by a county through foreclosure of tax liens, or otherwise, comes within the classification of land described in RCW 76.12.020 and can be used as state forest land and if the department deems such land necessary for the purposes of this chapter, the county shall, upon demand by the department, deed such land to the department and the land shall become a part of the state forest lands.

Such land shall be held in trust and administered and protected by the department as other state forest lands. Any moneys derived from the lease of such land or from the sale of forest products, oils, gases, coal, minerals, or fossils therefrom, shall be distributed as follows:

(1) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board of natural resources, shall be returned to the forest development account in the state general fund.

(2) Any balance remaining shall be paid to the county in which the land is located to be paid, distributed, and prorated, except as hereinafter provided, to the various funds in the same manner as general taxes are paid and distributed during the year of payment: PROVIDED, That any such balance remaining paid to a county with a population of less than sixteen thousand shall first be applied to the reduction of any indebtedness existing in the current expense fund of such county during the year of payment.

[1997 c 370 § 1; 1991 c 363 § 151; 1988 c 128 § 24; 1981 2nd ex.s. c 4 § 4; 1971 ex.s. c 224 § 1; 1969 c 110 § 1; 1957 c 167 § 1; 1951 c 91 § 1; 1935 c 126 § 1; 1927 c 288 § 3, part (adding a new section to 1923 c 154 § 3b); RRS § 5812-36.]

**NOTES:**

**Purpose -- Captions not law -- 1991 c 363:** See notes following RCW 2.32.180.

**Severability -- 1981 2nd ex.s. c 4:** See note following RCW 43.85.130.



## Snohomish County

### Assessor's Office

Gail S. Rauch  
County Assessor

Cindy S. Portmann  
Chief Deputy

June 28, 2001

M/S #510  
3000 Rockefeller Avenue  
Everett, WA 98201-4046  
(206) 388-3433

Merlin Halverson, Fire Chief  
Snohomish County Fire District #5  
P.O. Box 149  
Sultan, WA 98294

Dear Mr. Halverson:

I am responding to your letter to Gail Rauch about the possible mining of rock from public lands north of Sultan.

The map is not real easy to read but I believe the accounts involved with the hatched areas are: 28082000200100; 28082000300100; 28081900400100; 28083000100100; and, portions of 28081700100200 and 28081700400100. None of these accounts lie within Fire District No. 5.

The only revenue I can answer questions about is property taxes. I do not know about excise taxes or any thing else that might have to be paid in this case.

I asked our Personal Property Manager, David Coffman, if any of the value of the rock 'harvested' from public land would be assessed as personal property value. He said "no" only the personal property of the company doing the operation would be assessed. The fire district will not receive any of the property tax paid on that value because it will not be in the district. I don't think we need to go into the fact that even if it was inside the fire district it would not produce any additional property tax revenue for the district, it would just affect the levy rate paid by all.

I hope this all helps. Please feel free to call me at (425) 388-3646 if you have any further questions.

Sincerely,

Carole Beecher  
Levy Comptroller

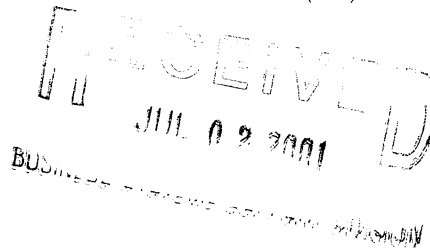


**Washington State  
Department of Transportation**  
Sid Morrison  
Secretary of Transportation

**Snohomish Area  
Northwest Region**  
15700 Dayton Avenue North  
P.O. Box 330310  
Seattle, WA 98133-9710  
(206) 440-4000

June 25, 2001

Mr. Bob Suda  
Business System Support Division  
1111 Washington Street  
P.O. Box 47014  
Olympia, WA 98504-7014



Subject: SR 2 MP  $\pm$  23.14 Vic. CS 3109  
WSDOT comments on Draft SEPA  
Powerhouse Sand, Gravel and Rock Sale

Dear Mr. Suda:

The Department of Natural Resources is exploring the possibility of selling mineral rights for a parcel north of the City of Sultan. The location of this parcel is 0.5 miles north of Sultan, east of the Sultan River.

Ms. Sandra Kortum, of my Developer Services section, attended the public meeting June 21, 2001, at the Sultan High School, and was given a copy of the new draft SEPA Checklist.

Because this parcel is located within unincorporated Snohomish County it is subject to the Snohomish County/WSDOT Interlocal agreement for Transportation System Impacts.

During the Phase Two SEPA review the "developer" will be required to comply with the requirements of this agreement and any other traffic mitigation identified.

Please include this information in the SEPA Checklist.

Should you have any questions, please feel free to contact Mr. Don Hurter (206) 440-4916 or Ms. Sandra Kortum (206) 440-4911 of my Developer Services section.

Sincerely,

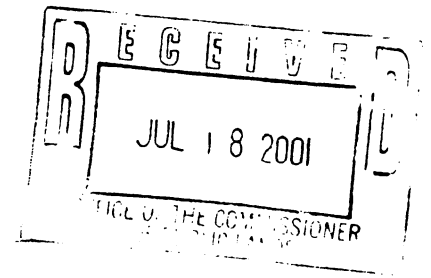
for, Klara A. Fabry, P.E.  
Snohomish Area Administrator

KAF:shk

cc: File

SR 2 MP 23.14 DNR.doc

July 12, 2001



Doug Sutherland  
Commissioner of Public Lands  
Department of Natural Resources  
P.O. Box 47001  
Olympia, WA 98004-7001

RE: Power House Mineral Lease/Gravel Pit

Dear Mr. Sutherland,

I write this letter to plead with you not to go ahead with the proposed gravel pit north of Sultan. The impact to our neighborhood would be devastating. This is a quiet neighborhood currently. The winds do have a tendency to blow with quite a force at times and sometimes even when the wind is barely blowing we can hear sounds from at least two miles away.. Think of it, blasting, digging, and trucking noises all day long, all week long for the next twenty years with only Sunday as a respite. This is terrible and totally unacceptable. We who live on the Sultan Basin Road are not the only ones to be affected. The noise will be loud and clear all the way to downtown Sultan also. We all have a stake in this proposal and no one that I have talked to is in favor of it. I cannot understand how this can go through with disregard to ground water, noise, salmon endangerment, traffic safety, and public outcry. This is horrible!!!!

I am sure you are aware of the traffic issues up here in our valley. We are all virtual prisoners on the weekend due to the high density of traffic. Now the DNR wants us to have it all week long as well. Our roads are narrow with no where to go in case of a car meeting truck and pedestrian. The walker, bicyclist or equestrian has no place to go except the deep culverts along the road. We don't have curbs and sidewalks up here. But we do have a steep road with no shoulders!

The gravel trucks will be going through neighborhoods. Not on a four laner or a well designed county road with walking and/or riding paths available. Our neighborhood is expanding all the time. There is currently a new housing development project of approximately 150 homes that will be going in off of the Sultan Basin Road on 138<sup>th</sup>.. Every home has two cars (usually) and the added traffic will pose an even higher danger factor for us to deal with.

My husband, Don and I have lived in our home for over 30 years and have good water from our well. Your proposed "pit" is up hill from us. What will happen to our water supply if you are allowed to tear up the ground by digging and destroying the existing springs, aquifers, etc.?

We are justly worried about the future of our beloved valley and the safety and livability of our neighborhoods.

We find the idea that we as a town should be happy about this invasion of our neighborhood safety and sanctity as ludicrous. Supposedly the "pit" will bring jobs, business for the merchants, etc. Tell me, where and how will a trucker park his dump truck on our city streets and spend some money in our little town? We only see the negative impact to our residents.

Please, Mr. Sutherland consider the above issues before you make your final decision. We are asking for us (Don and I), our neighbors, our little town (growing by leaps and bounds) and the valley (growing by leaps and bounds) not to put that "Pit" up here for the aforementioned reasons.

Respectfully,



428657

RECEIVED

JUL 20 2001

7/17/2001

OFFICE OF THE GOVERNOR

Dear Governor Locke,

We have been blessed to have lived in Sultan for over 20 years. I am writing on behalf of my extended family and friends residing in Sultan to plead with you to oppose the implementation of the Power House Gravel Pit Site (Project #32-072628) located on the Sultan Basin Road. This ill-conceived project that will profoundly effect our quality of life and impact the safety of our community for generations.

With a 6-0 vote the Sultan City Council and the Mayor unanimously agreed to reject this project stating "the City firmly protests this threat to the health and welfare of the Skykomish River valley, it's residents and visitors" in a signed letter sent to the DNR. The citizens of Sultan echoed these feelings in a packed informal meeting which the DNR attended earlier this year.

Yet the DNR is plowing ahead. In the early phases of this process the DNR chose to disregard nearly every rule and regulation to provide current impact studies and notification of their intentions that would have given us an opportunity to respond on the record. Even other government bodies, such as PUD, were left in the dark, though the pit surrounds one of their generating plants. When the cat was let out of the bag and the public outrage was expressed, DNR took the stance of: oops, sorry, but to late, we are moving ahead.

A massive letter writing campaign to Senators, County Representative and Government Officials ensued which successfully forced the DNR to step backwards and re-open the SEPA process. Whether the DNR will respect the laws and regulations that were set up to protect our lands and citizens from railroading projects like this, has yet to be seen. But one thing is clear: the voice and vote of the individual has weight and the expression of that voice can stop this project. Although DNR has its own agenda and the wishes of the people most likely are not a consideration (other than as potential obstacle), as an elected official you DO listen.

I thank you for you time and consideration. I urge you to contact Chairman Sutherland and express your opposition to this project. This is our home and our community. It is worth fighting for.

Sincerely,

June 21, 2001

To the DNR :

Re: "Powerhouse" Site, Project No. 32-072628

There are many serious and valid questions relating to the referenced project. Among them are:

- 1 Q: Why is this project needed or even being considered? DNR stated during the process of starting the Granite Falls gravel site that if approved, it would supply the needs of Snohomish County for several decades. Why is the same agency now pushing for this site?
- 2 Q: The site was replanted with timber many years ago. What consideration is being given to what the value of that timber will be when mature, ~~which is about~~ the same time Snohomish County will actually need the sand and gravel, according to ... Yes, DNR. (See the above question.) That nearly mature timber will essentially be destroyed in this proposal.
- 3 Q: DNR issued a Determination of Non-Significance" regarding this project. When pushing the Granite Falls project, DNR cited a study that condemned this site as being essentially untenable due to the traffic impact to State Route #2, and its intersection with the Sultan Basin Road. The situation regarding these roads has deteriorated since then, and the rate of deterioration is accelerating. How can this then be NOT SIGNIFICANT, unless you chose to just ignore it as a factor? How can it be ignored and keep analysis honest?
- 4 Q: How can this project be pursued with no regard to the ecological impact to the area, when it contains or is adjacent to endangered species breeding and spawning areas, appears to contain wetlands? How can this then be NOT SIGNIFICANT?
- 5 Q: How can this project be pursued with no regard to the water supplies of the City of Sultan and the well water of residents in the area?
- 6 Q: How can this be pursued with no regard to the pollution that will inevitably be introduced on the ground by the heavy machines, and introduced into the drinking water for many residents in the area?
- 7 Q: How can this be pursued with no resolution regarding the very substantial water supplies that will be required to operate such an operation, and disposal of that water?
- 8 Q: How can this be pursued with no regard for the effect of the noise, dust, vibration and lights that will be part of the operation, affecting everyone in the area, including a school nearly adjacent?
- 9 Q: Why was my letter to Mr. Bob Suda, dated February 27, 2001, never acknowledged or answered?

Please answer these questions for me, preferably in writing

Sincerely,



RECEIVED  
JUL 20 2001

BUSINESS SYSTEMS SUPPORT DIVISION

7/17/2001

I have been blessed to have lived in Sultan for over 20 years. I am writing on behalf of my extended family and friends residing in Sultan to plead with you to reconsider implementation of the Power House Mineral Lease (Project #32-072628) located on the Sultan Basin Road.

Aside from challenging a way of life many our families have worked and fought for over 4 generations, it poses a all too real threat to the delicate aquifers and endangered wild life in the area. What concerns me is the impact of the gravel trucks constant presence on our already over taxed roadways, the high levels of dust and noise and the impact on our already threatened wild life. The trucks will run right through the heart of a growing population base. The loss of a quality of life pales to the prospects of the loss of a child, a family member or a neighbor to these ever present trucks.

I realize the need for added revenues in these challenging times, but the costs of this project both in terms of the environment and the citizens of Sultan far exceed the revenues gained.

I appeal to your sense of community and family to examine this issue and carefully consider those many lives that will be impacted by this project for generations to come. It is my hope that this destructive project will end before it begins.

Please Include this letter in the pubic record.

Thank you for you time and consideration.

Sincerely

**From:** Doug Sutherland  
**To:** "doug.sutherland".SMTP.WADNR; "PWetherald@aol.com".SMTP.WADNR  
**Date:** 8/5/01 8:36AM  
**Subject:** Re:Sultan Gravel Pit

..... good morning .... thãnks for your note and comments. i have forwarded them on to staff to include them with the others. we review these to determine how to make reasonable decisions and recommendations before we have a go/ no go to the next step.       doug

>>> <PWetherald@aol.com> 07/23/01 01:05PM >>>

The gravel pit will be a disaster to the people of Sultan as well as to the thru traffic of our town. It is horrendous now. Can't anyone visualize what it will be like to add these trucks to the hwy????? Everyone one I have spoke to is adamately opposed to this- please your God given sense and stop this now.

I have a child that I can barely get to school to cross this hwy now, with no cross walks and the heavy traffic, and we are isolated enough now where we live. If you go thru with this and add a light at the Sultan Basin road it would even make it more dangerous for us to cross.

PLEASE STOP THIS NOW!!!!!!!

**From:** Doug Sutherland  
**To:** "doug.sutherland".SMTP.WADNR; "PWetherald@aol.com".SMTP.WADNR  
**Date:** 8/5/01 8:31AM  
**Subject:** Re:Sultan Gravel Pit

.... good morning glen ..... thanks for your note and comments . part of what we will do as we move thru the review process, is to better define these types of concerns and examine ways to resolve them before we initiate any go/ no go decision. .... doug>>> <PWetherald@aol.com> 07/23/01 01:11PM >>>  
Being a business man and resident of Sultan, I know and realize the problems you are going to bring to this community. The traffic of the gravel trucks and the danger to the community can and will be devistating. No one will be safe onto or driving on hwy 2, and would be impossible for any foot traffic to cross hwy 2.

Also the sultan bridge is too small to handle all the truck traffic.

Please use your common sense and stop this immediately.  
Thank You,



# City of Sultan

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CITY OF SULTAN  
RESOLUTION 02-01  
A RESOLUTION OF THE CITY OF SULTAN IN OPPOSITION  
TO THE POWER HOUSE GRAVEL PIT PROJECT

.....NOW THEREFORE BE IT RESOLVED BY the City of Sultan and the surrounding community that the City firmly protests this threat to the health and welfare of the Skykomish River valley and it's residents and visitors.....

UNANIMOUSLY ADOPTED BY THE SULTAN CITY COUNCIL February 21, 2001.

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Department of Natural Resources  
Draft Amended Environmental Checklist  
June 14, 2001

The project would take place over 17-20 years. (p. 1)

The proposed hard rock site is near the City of Sultan watershed. This watershed is currently the sole water supply for the City of Sultan. (p. 8)

Checklist states no threatened or endangered fish species in Winters Creek. [This contradicts other documentation]

All noises would be considered long-term, if the proposal goes forward. In the sand and gravel area, excavation equipment, crushing, sorting, conveying equipment and transportation vehicles would all produce high levels of noise. In the rock quarry area, blasting, though more sporadic, could elevate noise levels off site. (p. 13)

Transportation of gravel and rock from the site presents one of the most significant potential impacts of the gravel mining proposal. . . . Traffic study data has been collected by the Washington Department of Transportation for the intersection of Sultan Basin Road and State Highway 2 in 1998 and in 2000. These data indicate that State Highway 2 has traffic volume of up to 25,000 vehicles per day. Roughly 30 percent of that traffic load is truck traffic, including gravel trucks from existing operations. Any proposed [gravel] operation could add as much as 4 percent to that volume. Working with the Snohomish County Public Works and the Washington Department of Transportation would help to mitigate transportation impacts during the permitting process. (p. 17d) [25,000 x .30 x .04 = 300 truck trips]

<sup>3</sup>A high number of trips by haul trucks . . . would occur. . . . The exact number of trips is not known at this time. An estimate could be as much as 250 or more truck trips per day. . . .<sup>2</sup> (p.

17f) [250 one-way truck trips during anticipated hours of operation (7 a.m. to 5:30 p.m.) is one gravel truck every 2.5 minutes. 250 round-trip trucks trips is one gravel truck every 1.25 minutes.]

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Snohomish County PUD #1  
Letter from Paul Elias, General Manager  
To Public Lands Commissioner Doug Sutherland  
January 5, 2001

~ Much of the East bank of the Sultan River is deeply incised. The stability of the bank is a concern as well as the adequacy of the proposed 400-foot setback distance.

~ Winters Creek: The document states that gravel removal will not occur within 200 feet of Winters Creek where it flows on the surface. Our concern is that this is a headwater area to a salmon-bearing stream. The setback should apply to any portion of the stream channel, wet or dry.

~ To our knowledge, Ecology is not issuing water rights in this area. PUD water is not currently available for use at the sand and gravel site. No taps will be allowed into the power penstock or Lake Chaplain return line and all currently developed and treated water belongs to the city of Sultan.

~ There is no mention of fall Chinook or Bulltrout as threatened under the Endangered Species Act. Both are present in the Sultan River adjacent to the site.

~ For many months the PUD has been involved in negotiations with the DNR staff for the purchase of portions of the the subject property... to accommodate a proposed new water transmission facility for the City of Sultan. The matter of a proposed gravel sale on the scale shown in the SEPA document was never revealed in these negotiations. Such lack of candor does not foster positive intergovernmental relationships.

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CSR America  
Letter from David V. Clarke CEO  
To Stillaguamish Citizen's Alliance  
February 19, 1998

...please be assured that we have no intention to permit the Sultan property. I'm sure you took note of the calculation that, to deliver the same volume of material to the same market served out of Granite Falls, would require 70% more truck miles traveled. This would inevitably result in greater transportation impacts and higher economic costs to Snohomish County residents....

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CSR Associated  
Granite Falls Aggregate Mining Operation  
Final Supplemental Environmental Impact Statement  
May 1998

Adverse noise impacts associated with [the Sultan site] would be the same as [for the Granite Falls site] except that the existing noise levels are less at the DNR/Sultan site. This would cause the noise from the project to be more noticeable to area residents ... (p. 3-80, section 3.6.1.7.2)

Truck traffic is exempt from State and County noise limits. (p. 3-80, section 3.6.1.8)

By 2003 traffic operations along SR-2 between Snohomish and Monroe and between Monroe and Sultan are estimated to drop to LOS-E during the PM peak hour [without the gravel mining project]. Two of the five intersections through Monroe would decline to LOS-D; and the other three would decline to LOS-E operating conditions. Intersections through the Sultan business district are estimated to be operating at LOS-D; and the Sultan Basin Road intersection would be operating at LOS-E. (p. 3-144) [LOS = Level of Service; rated A-F, best to worst. LOS E and F are considered 'failure' of the roadway due volume and turn time]

SR-2 already carries a high proportion of large trucks. The addition of project trips could increase the accident frequencies along SR-2 in proportion to their increase in total traffic volumes. (p. 3-147)

By 2003 without project Alternative-3 (Sultan Powerhouse Site), four of the seven intersections analyzed would be operating at LOS-E during the average weekday PM peak hour, and the other three at LOS-D. ***SR-2 from Sultan to Snohomish would be operating at a general LOS-E condition.*** Project traffic would significantly impact 116<sup>th</sup> Street SE and Sultan Basin Road as to adequacy of the road structures to accommodate an average of 564 heavy truck trips per day. (Table 1 – Environmental Impacts Matrix page 1-25)

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Volume II  
Technical Appendices to Granite Falls SEIS  
May 1998

SR-2 [b]etween Monroe and Sultan . . . is estimated to be operating at LOS D during the average weekday PM peak hour. . . . These findings represent marginally acceptable operating conditions for a rural highway. Operating conditions on Friday and Sunday afternoons are considerably worse. (Appendix M, p. 51)

The SR-2/4th Street intersection in Sultan is representative of traffic operations at all minor street and drive approaches through the Sultan business strip. Current LOS is estimated at C



for minor street and driveway approaches to SR-2. That will drop to LOS D by 2003 without the project, and to LOS E with the project. Since there is already a center two-way left-turn lane through the business district, there is no practical mitigation for the project truck impacts. All signalized intersections through Monroe are estimated to be operating at LOS D or E by 2003 (PM peak hour) with the Associated Sultan project. Signal cycle lengths may need to be extended up to 2.5 minutes to maintain these intersection levels of service. This would create almost continuous signal queues along SR-2 through Monroe, making access from non-signalized streets and driveways very difficult. The Associated project at Sultan would exacerbate these unacceptable traffic operating conditions through Monroe. (Appendix M, pp. 56-57)

SR-2 - Snohomish to Sultan. The two-lane portions of SR-2 between Snohomish and Sultan cannot accommodate 2003 forecasts at an acceptable service standard for rural highways (LOS C). There is a general need to expand these rural portions of SR-2 to four lanes. There is no current WSDOT plan to fund and construct such a project. (Appendix M, p. 59). Unless the WSDOT develops a general widening project for these portions of SR-2, the added project truck traffic would be considered a significant unavoidable adverse impact. (p. 60)

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Washington Department of Fish and Wildlife  
Habitat and Species Report in the Vicinity of T28RO8E Section 29  
March 17, 2000

Listed is a breeding occurrence for a bald eagle: "Bald eagle nest in Cottonwood." Page 3, item 10 of the SEPA Checklist indicates that a "Washington State Department of Fish and Wildlife Bald Eagle Nest Management Plan" would be among the regulatory permits "expected to be needed". Bald eagles are both state- and federally listed as threatened but the nest is not mentioned under item 5b on page 12 of the checklist.

## **ADDITIONAL COMMENTS ON 6/21/00 Draft SEPA**

This is the second part of our response to the draft SEPA issued June 21, 2001 by DNR. (Our first and partial response was submitted in our July 16, 2001 letter to Doug Sutherland.)

### **THE HUMAN FACTOR:**

We are prefacing our comments by stating that some of the worst disasters in history have been caused by a confluence of unlikely occurrences at a particular moment which combine to result in the worst possible scenario. Due to sensitivities in both the natural and man-made features located within and adjacent to the proposed Powerhouse Site, there exists a recipe for potential disaster.

While there are numerous issues related to the threat to ESA-listed animals, mostly notably fish species located within this environment, the possibility exists for severe consequences to another species living in and near the area: Human Beings.

For instance, the nature of the mining activity may significantly undercut the geologically-sensitive area east of the critical slopes along the Sultan River and above the Jackson Powerhouse. In the event of a significant earthquake, which is increasingly being predicted to be more of a surety than a possibility, the Culmback Dam located at the southern end of Spada Lake designed to withstand a 7.5-magnitude quake (which is also the Water Supply for Everett, Sultan and many other communities) would be destroyed. Water from the lake, traveling west and southward via the Sultan River, would impact and probably destroy the Jackson Powerhouse. Debris from the dam and powerhouse might well result in adding to the potency of the earthquake and combine with previously-mined geological integrity. This would effectively bring the entire hillside down onto the city of Sultan and beyond, similar to the Johnstown Flood.

In the event of an earthquake large enough to either seriously crack or destroy the Culmback Dam, one might well say the collateral damage would be severe enough to destroy the town of Sultan regardless of geologic structure integrity issues from the mining [source: *Everett Herald*, Marcy 4, 2001, "*Who'd go first in the Big One?*"]. But in a 7.5-magnitude-or-below quake, the dam could be damaged just enough to weaken it to the point of releasing enough water to flood the Sultan to severe enough levels to undercut what remains of the geological structure of the mined areas.

There is an additional overall situation to consider related to potential man-made catastrophes: The constraints put into place for earth-moving, blasting, excavation and other human activities, are only as reliable as the person operating the machinery. The safety and welfare of hundreds, perhaps thousands, of human beings will be dependent upon one thing: The man or woman in the cab of the heavy machinery. And the outcome is that no matter what guarantees for safety or financial assurances are placed into whatever future contract is ultimately issued to a successful bidder, any resulting

restitution for losses to the taxpayers and citizens of Sultan will be slight, and will be following an extended, protracted and emotionally disastrous legal battle for justice.

## **GEOLOGICAL AND HYDROLOGICAL ISSUES**

At the very heart of the proposed gravel extraction area exists moderate to serious impacts to the Sultan Basin's water resources. These are detailed in Robinson & Noble, Inc.'s report, *Hydrogeologic Characterization Off-site Alternative North of Sultan*, prepared as part of the compendium for the Granite Falls' EIS study as Alternative #3 and dated June, 1997, (Appendix I - Section 2)

Pages 3 and 4 of this study indicate that Winter's Creek travels directly through the gravel extraction area and is a major source of recharge and discharge for the Sultan Basin Hydrologic boundary line. This line delineates the general area of flow of water in the area, which runs from the northeast in a generally southwesterly direction.

This boundary enters the DNR proposed area at the approximate northwest area of Haywire Ridge, located at the approximate two or three o'clock position (using Haywire ridge as the clock's center). After flowing through the low permeability characteristics of this hard rock area, it flows generally southwestward to the more permeable infiltration gravel extraction area and "becomes" Winters Creek. The study states:

...maps show a surface water feature known as Winters Creek extending from the center of the aggregate mining property southward over the steep slope of the southern edge of the terrace [*i.e., the relatively level gravel extraction area*]. This feature exists in the north-central portion of the property [*DNR proposed area*] as a moderate-sized stream. However, it disappears completely by the time it reaches the center of Section 20 (in the middle portion of the sand and gravel site) because it is fully infiltrated into the gravels of the site. This infiltration makes the upper portion of Winters Creek a recharge source of the aquifer. The stream, or its spring equivalent, takes rise [*comes up the surface again*] nearly 1,500 feet south of the point where surface flow stopped. The reappearance of the creek is controlled by the low permeability basal unit as described above for the other discharge points. Because of its reappearance, Lower Winters Creek is a discharge point for the aquifer system, while the upper reach acts as a recharge source of the terrace gravel aquifer. [*notes in italics enclosed in brackets are author explanations.*]

Further on the report states, "Care must be taken to control the fate of imported water and intercepted water to assure that recharge is neither diminished...or enhanced to the point of causing failure problems along the hillsides...if surface flow is allowed to leave an open-faced mine, turbidity could reach the Sultan river and potentially cause environmental damage."

Among other things, this hydrologic-geological configuration acts as a natural clarifier of the water for the ESA species contained in Winters Creek.

Another problematic factor is that the aquifer and water table in this area is both shallow and unpredictable, and a vital contributing function to the overall and prevailing hydrology in the area:

This characterization *[referring to the content in the study]* defines a relatively local and shallow ground water system which occupies the sands and gravels of a recessional glacial terrace and discharges as spring flow long the edges of that terrace. The aquifer has a very limited recharge area and does not appear to have been developed as a water source for wells, although some use of the spring flow is apparent along the terrace's southern slopes. In all cases, the spring flows are contributing to the base flows of the Sultan River.

In layman's terms, the geological and hydrologic structure of the area is a vital focal point for the area's aquifer for human beings, plants and countless other living organisms "downstream" from the area. And, while DNR and CSR would love to use this gravel for their own purposes, human beings and other creatures need it, too. No amount of "mitigation" or "restoration" can reestablish its delicate ecological balance.

In conclusion to this portion of the SEPA discussion, it's our opinion that DNR's review of these issues was cursory, at best. Even though several studies were available for review by DNR personnel (including the one mentioned above), the conclusion given in a brief one-page April 19, 2001 memo to Bob Suda from Noel Wolff on this subject ended with the following "watered-down" statement relative to Winters Creek: "Ultimately, it will have to be decided how best to deal with the streamflow that crosses the Pipeline Road from east to west and currently percolates into the underlying gravels." This is a minimalist statement, considering the vital importance played by this body of water.

Taken as a conclusion, however, the above statement does support our position that the SEPA fails to address significant issues in a cumulative and site-global manner.

### **Water for Gravel-Washing**

The study also discusses the various sources for water to wash the gravel, chief of which are purchasing water from the cities of Sultan or Everett. Because Sultan has historically experienced insufficiencies in its water supply, this could become a significant hardship on our community resources.

### **CRITICAL SLOPE ISSUES**

Although we did not have time to thoroughly address these issues, they are addressed in part in the study referenced above, a copy of which DNR has available for review. Additionally, I would like to add the following statement from the aforementioned memo by Noel Wolff regarding this issue which states the following:

3) The "Hydrogeology" and "Geology" reports both provide information regarding slope stability conditions on the escarpment at the west and south sides of the proposed gravel mine. Based on that information plus my prior knowledge of conditions, I suggest that the entire escarpment be considered potentially unstable.

The escarpment to which Mr. Wolff is referring, of course, is the Sultan River, which is ESA habitat and "home" to the Jackson hydroelectric power plant.

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We would like to have addressed each item in the SEPA document point-by-point, but unfortunately ran out of time.

Thank you for the opportunity to comment on the SEPA.

Sincerely,